



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Steven P. Tierney - Environmental Manager
Primary Products Ingredients Americas, LLC
Steven.Tierney@primient.com

Re: Finding of Violation
Primary Products Ingredients Americas, LLC
Decatur, Illinois

Dear Steven Tierney:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Primary Products Ingredients Americas, LLC (you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the National Emissions Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing at your Decatur, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 or email him at prentice.dakota@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Nathan Frank
Supervisor, Air Enforcement and Compliance Assurance Section IL/IN

Enclosure

cc: Kent Mohr, Manager
Compliance Section
Bureau of Air
Illinois Environmental Protection Agency
Kent.Mohr@Illinois.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Primary Products Ingredients Americas, LLC
Decatur, Illinois

FINDING OF VIOLATION

EPA-5-22-IL-12

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that Primary Products Ingredients Americas LLC (PPIA) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, PPIA is violating the National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing at 40 C.F.R. Part 63, Subpart FFFF, as follows:

Relevant Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants

1. Section 112 of the Act, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAPs) and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP).
2. The NESHAP at 40 C.F.R. Part 63 are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for each source category.
3. Section 112(a) of the CAA, 42 U.S.C. § 7412(a), defines “major source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (TPY) or more of any single HAP or 25 TPY or more of any combination of HAPs.
4. Section 112(i)(3) of CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
5. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected source subject to the NESHAP at Part 63. These general provisions include definitions at 40 C.F.R. § 63.2.

6. The NESHAP, at 40 C.F.R. § 63.2, defines “affected source” as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a CAA Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of CAA.
7. The NESHAP, at 40 C.F.R. § 63.2, defines “new source” as any affected source the construction or reconstruction of which is commenced after EPA first proposes a relevant emission standard under 40 C.F.R. Part 63 establishing an emission standard applicable to such source.
8. The NESHAP, at 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.

NESHAP for Miscellaneous Organic Chemical Manufacturing at 40 C.F.R. Part 63,
Subpart FFFF

9. On November 10, 2003, EPA promulgated the NESHAP for Miscellaneous Organic Chemical Manufacturing (Miscellaneous Organic NESHAP or the MON), codified at 40 C.F.R. Part 63, Subpart FFFF. 68 Fed. Reg. 63888. The MON establishes emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements associated with miscellaneous organic chemical manufacturing. *See* 40 C.F.R. § 63.2430.
10. On August 12, 2020, EPA promulgated a new final rule for the MON taking final action on various provisions, including new requirements to address ethylene oxide emissions from storage tanks, process vents, and equipment leaks. 85 Fed. Reg. 49084.
11. 40 C.F.R. § 63.2445(b) provides that owners and operators of existing sources subject to the MON must comply with the requirements for existing sources no later than May 10, 2008.
12. 40 C.F.R. § 63.2435(a) provides that owners and operators are subject to the MON if they operate miscellaneous organic chemical manufacturing process units (MCPU) that are located at, or are part of, a major source of HAP emissions, as defined in Section 112(a) of the CAA.
13. 40 C.F.R. § 63.2550 defines “miscellaneous organic chemical manufacturing process” as “all equipment which collectively function to produce a product or isolated intermediate that are materials described in §63.2435(b). For the purposes of this subpart, process includes any, all or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which are used to produce a product or isolated intermediate.”
14. 40 C.F.R. § 63.2435(b) provides that an MCPU includes equipment necessary to operate a miscellaneous organic chemical manufacturing process that, among other things, processes, uses or generates any of the organic HAPs listed in Section 112(b) of the CAA. An MCPU also includes any assigned storage tanks and transfer racks; equipment in open systems that is used to convey or store water having the same concentration and flow characteristics as wastewater; and components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, and instrumentation systems that are used to manufacture any material or family of materials, including but not limited to, an organic chemical with a North American Industry Classification System (NAICS) code listed in 40 C.F.R. § 63.2435(b)(1)(ii).

15. 40 C.F.R. § 63.2435(b)(1)(ii) provides the relevant NAICS code for MON applicability as code 325.
16. 40 C.F.R. § 63.2450(a)(1) states that, "...you must be in compliance with the emission limits and work practice standards in tables 1 through 7 to this subpart at all times, except during periods of startup, shutdown, and malfunction (SSM), and you must meet the requirements specified in §§63.2455 through 63.2490 (or the alternative means of compliance in §63.2495, §63.2500, or §63.2505), except as specified in paragraphs (b) through (s) of this section. You must meet the notification, reporting, and recordkeeping requirements specified in §§63.2515, 63.2520, and 63.2525."

Relevant Factual Background

17. PPIA owns and operates a corn wet milling plant at 2200 East Eldorado Street in Decatur, Illinois (the "Facility").
18. EPA conducted a CAA inspection of the Facility on December 10, 2019 (2019 Inspection).¹
19. EPA issued a CAA Section 114 Information Request to the Facility on September 30, 2020 (Information Request).
20. The Facility processes corn to produce various products, including starch-based adhesives. Adhesives production uses and results in the emission of various HAPs, including ethylene oxide and hydrochloric acid.
21. Adhesives manufacturing is classified under NAICS Code 325 as 325520.
22. PPIA operates an MCPU to produce adhesives at the Facility.
23. The Illinois EPA issued a Title V – Clean Air Act Permit Program (CAAPP) Permit and Title I Permit to the Facility on August 12, 2003. This CAAPP Permit was issued based on the Facility being a major source for multiple compounds, including HAPs.
24. Annual emissions reports provided by the Facility in response to the Information Request identify HAP emissions exceeding major source thresholds for reporting years 2015 through 2019 (the most recent year available at the time of the Information Request), based on total HAP emissions.
25. The Facility is an "affected source," subject to the MON.
26. The CAAPP indicates that the Facility has manufactured adhesives since at least 2003, and is therefore an existing source.
27. The Facility is an affected source and an existing source and must comply with the MON.

¹ At the time of the inspection, Tate & Lyle was the owner and operator of the Decatur Facility. Effective February 25, 2022, PPIA became the owner and operator.

Finding of Violation

28. The Facility has been and continues to be a major source of HAPs and, since at least May 10, 2008, has been required to comply with the requirements of the MON in association with its adhesives manufacturing. PPIA has failed to comply with applicable requirements, which include emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements associated with miscellaneous organic chemical manufacturing in violation of the MON.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division